

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re:

JOSEPH GREGORY JEMSEK,

Debtor.

Case No. 06-31986

Chapter 11

**MOTION FOR ORDER PERMITTING WITHDRAWAL OF
REPRESENTATION BY MICHAEL RUGGIO**

Comes now the debtor Joseph G. Jemsek ("Jemsek") the debtor-in-possession herein, through counsel, and requests entry of an Order permitting Michael Ruggio ("Ruggio") to withdraw as counsel for Jemsek and his co-debtor, the Jemsek Clinic, P.A. (the "Clinic"). In support of this motion ("Motion"), Jemsek respectfully shows as follows:

1. Ruggio was authorized as special litigation counsel for the Clinic by an Order entered in case number 06-31766 on November 8, 2006. He was authorized to represent Jemsek as special litigation counsel in this case by an Order entered on December 20, 2006.

2. Ruggio subsequently joined the law firm of Polsinelli Shalton Welte Suelthaus, PC (now Polsinelli Shughart PC) ("Polsinelli"). Polsinelli was engaged to represent Jemsek and the Clinic in litigation with Blue Cross Blue Shield of North Carolina pursuant to separate Orders entered in the Clinic bankruptcy case, Case No. 06-31766 on August 10, 2007, and in this case on August 13, 2007.

3. Ruggio left the Polsinelli firm during the summer of 2009.

4. Meanwhile, other attorneys with Polsinelli have been admitted *pro hac vice* to appear on behalf of Jemsek and the Clinic in the consolidated adversary proceeding of *Blue Cross and Blue Shield of North Carolina v. Jemsek, et al.*, adversary proceeding no. 07-3006 (the "Adversary Proceeding"). Specifically, Lauren Desantis-Then ("Desantis-Then"), an associate

with Polsinelli, was admitted *pro hac vice* in the Adversary Proceeding by an Order entered on November 13, 2007, and William D. Blakely ("Blakely"), a partner with Polsinelli, was admitted *pro hac vice* by an Order entered on November 10, 2009.

5. Accordingly, Jemsek requests entry of an Order permitting Ruggio to withdraw as counsel for Jemsek and the Clinic. Polsinelli, through Blakely and Desantis-Then, will continue to represent Jemsek and the Clinic in matters related to the litigation with Blue Cross Blue Shield of North Carolina.

WHEREFORE, Jemsek prays that the Court will enter an Order granting the Motion, allowing Ruggio to withdraw as counsel for Jemsek and the Clinic, and granting such further relief as is just and proper.

This is the 18th day of November, 2009.

/s/ A. Cotten Wright
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